

103^D CONGRESS
1ST SESSION

S. 1535

To amend title 5, United States Code, to eliminate narrow restrictions on employee training, to provide a temporary voluntary separation incentive, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 27), 1993

Mr. GLENN (for himself, Mr. STEVENS, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend title 5, United States Code, to eliminate narrow restrictions on employee training, to provide a temporary voluntary separation incentive, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Workforce Re-
5 structuring Act of 1993”.

6 **SEC. 2. EMPLOYEE TRAINING.**

7 (a) IN GENERAL.—Chapter 41 of title 5, United
8 States Code, is amended—

1 (1) in section 4101(4) by striking out “fields”
2 and all that follows through the semicolon and in-
3 serting in lieu thereof “fields which will improve in-
4 dividual and organizational performance and assist
5 in achieving the agency’s mission and performance
6 goals;”;

7 (2) in section 4103—

8 (A) in subsection (a) by striking out “In”
9 and all that follows through “proficiency” and
10 inserting in lieu thereof “In order to assist in
11 achieving an agency’s mission and performance
12 goals by improving employee and organizational
13 performance”; and

14 (B) in subsection (b)—

15 (i) in paragraph (1) by striking out
16 “determines” and all that follows through
17 the period and inserting in lieu thereof
18 “determines that such training would be in
19 the interests of the Government.”;

20 (ii) by striking out paragraph (2) and
21 redesignating paragraph (3) as paragraph
22 (2); and

23 (iii) in subparagraph (C) of paragraph
24 (2) (as redesignated under clause (ii) of
25 this subparagraph) by striking out “retain-

1 ing” and all that follows through the pe-
 2 riod and inserting in lieu thereof “such
 3 training.”;

4 (3) in section 4105—

5 (A) in subsection (a) by striking out “(a)”;

6 and

7 (B) by striking out subsections (b) and (c);

8 (4) by repealing section 4106;

9 (5) in section 4107—

10 (A) by amending the section heading to
 11 read as follows:

12 **“§ 4107. Restriction on degree training”;**

13 (B) by striking out subsections (a) and (b)
 14 and redesignating subsections (c) and (d) as
 15 subsections (a) and (b), respectively;

16 (C) by amending subsection (a) (as reded-
 17 ignated under subparagraph (B) of this para-
 18 graph)—

19 (i) by striking out “subsection (d)”
 20 and inserting in lieu thereof “subsection
 21 (b)”;

22 (ii) by striking out “by, in, or through
 23 a non-Government facility”; and

24 (D) by amending paragraph (1) of sub-
 25 section (b) (as redesignated under subpara-

1 graph (B) of this paragraph) by striking out
 2 “subsection (c)” and inserting in lieu thereof
 3 “subsection (a)”;

4 (6) in section 4108(a) by striking out “by, in,
 5 or through a non-Government facility under this
 6 chapter” and inserting in lieu thereof “for more
 7 than a minimum period prescribed by the head of
 8 the agency”;

9 (7) in section 4113(b) by striking out all that
 10 follows the first sentence;

11 (8) by repealing section 4114; and

12 (9) in section 4118—

13 (A) in subsection (a)(7) by striking out
 14 “by, in, and through non-Government facili-
 15 ties”;

16 (B) by striking out subsection (b); and

17 (C) by redesignating subsections (c) and

18 (d) as subsections (b) and (c), respectively.

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

20 The table of sections for chapter 41 of title 5, United
 21 States Code, is amended—

22 (1) by striking out the items relating to sections
 23 4106 and 4114; and

24 (2) by amending the item relating to section
 25 4107 to read as follows:

“4107. Restriction on degree training.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of enactment of
3 this Act.

4 **SEC. 3. VOLUNTARY SEPARATION INCENTIVES.**

5 (a) DEFINITIONS.—For purposes of this section, the
6 term—

7 (1) “agency” means an Executive agency, as
8 defined under section 105 of title 5, United States
9 Code, but does not include the Department of De-
10 fense, the Central Intelligence Agency, or the Gen-
11 eral Accounting Office; and

12 (2) “employee” means an employee, as defined
13 under section 2105 of title 5, United States Code,
14 of an agency, serving under an appointment without
15 time limitation, who has been currently employed for
16 a continuous period of at least 12 months, including
17 an individual employed by a county committee estab-
18 lished under section 8(b) of the Soil Conservation
19 and Domestic Allotment Act (16 U.S.C. 590h(b)),
20 but does not include—

21 (A) a reemployed annuitant under sub-
22 chapter III of chapter 83 or chapter 84 of title
23 5, United States Code, or another retirement
24 system for employees of the Government; or

1 (B) an employee having a disability on the
2 basis of which such employee is or would be eli-
3 gible for disability retirement under the applica-
4 ble retirement system referred to in subpara-
5 graph (A).

6 (b) AUTHORITY TO MAKE PAYMENT.—(1) In order
7 to assist in the restructuring of the Federal workforce
8 while minimizing involuntary separations, the head of an
9 agency may pay, or authorize the payment of, a voluntary
10 separation incentive payment to employees—

11 (A) in any component of the agency;

12 (B) in any occupation;

13 (C) in any geographic location; or

14 (D) on the basis of any combination of the fac-
15 tors described under subparagraphs (A) through
16 (C).

17 (2) In order to receive an incentive payment under
18 paragraph (1), an employee shall separate from service
19 with the agency (whether by retirement or resignation)
20 during the 90-day period described under paragraph (3).

21 (3) The head of an agency shall designate a continu-
22 ous 90-day period for purposes of separation under this
23 subsection for such agency or any component thereof.
24 Such 90-day period shall begin no earlier than the date

1 of the enactment of this Act and shall end no later than
2 September 30, 1994.

3 (4) Notwithstanding the provisions of paragraphs (2)
4 and (3), an employee may receive an incentive payment
5 under this section and delay a separation from service if—

6 (A) the agency head determines that it is nec-
7 essary to delay such employee's separation from
8 service in order to ensure the performance of the
9 agency's mission; and

10 (B) no later than 2 years after the date of the
11 last day of the 90-day period designated under para-
12 graph (3), such employee separates from service in
13 the agency.

14 (c) VOLUNTARY SEPARATION INCENTIVE PAY-
15 MENT.—A voluntary separation incentive payment—

16 (1) shall be paid in a lump sum after the em-
17 ployee's separation;

18 (2) shall be equal to the lesser of—

19 (A) an amount equal to the amount the
20 employee would be entitled to receive under sec-
21 tion 5595(c) of title 5, United States Code, if
22 the employee were entitled to payment under
23 such section; or

24 (B) \$25,000;

1 (3) shall not be a basis for payment, and shall
2 not be included in the computation, of any other
3 type of Government benefit;

4 (4) shall not be taken into account in determin-
5 ing the amount of any severance pay to which an
6 employee may be entitled under section 5595 of title
7 5, United States Code, based on any other separa-
8 tion; and

9 (5) shall be paid from appropriations or funds
10 available for the payment of the basic pay of the em-
11 ployee.

12 (d) SUBSEQUENT EMPLOYMENT AND REPAYMENT OF
13 INCENTIVE PAYMENT.—(1) An employee who has received
14 a voluntary separation incentive payment under this sec-
15 tion and accepts employment with the Government of the
16 United States within 5 years of the date of the separation
17 on which payment of the incentive is based shall be re-
18 quired to repay the entire amount of the incentive pay-
19 ment to the agency that paid the incentive payment.

20 (2) If the employment is with an Executive agency
21 (as defined under section 105 of title 5, United States
22 Code), the Director of the Office of Personnel Manage-
23 ment may, at the request of the head of the agency, waive
24 the repayment if the employment is in a position for which

1 there is exceptional difficulty in recruiting a qualified em-
2 ployee.

3 (3) If the employment is with an entity in the legisla-
4 tive branch, the head of the entity or the appointing offi-
5 cial may waive the repayment if the employment is in a
6 position for which there is exceptional difficulty in recruit-
7 ing a qualified employee.

8 (4) If the employment is with the judicial branch, the
9 Director of the Administrative Office of the United States
10 Courts may waive the repayment if the employment is in
11 a position for which there is exceptional difficulty in re-
12 cruiting a qualified employee.

13 (e) REGULATIONS.—The Director of the Office of
14 Personnel Management may prescribe any regulations
15 necessary for the administration of this section.

16 (f) JUDICIAL BRANCH PROGRAM.—The Director of
17 the Administrative Office of the United States Courts
18 may, by regulation, establish a program consistent with
19 the program established by subsections (a) through (d) of
20 this section for employees of the judicial branch.

21 (g) REDUCTION GOALS.—It is the sense of Congress
22 that—

23 (1) employment in the executive branch should
24 be reduced by not less than one full-time equivalent

1 position for each 2 employees who are paid voluntary
2 separation incentives under this Act; and

3 (2) each agency should adjust its employment
4 levels to achieve such result.

5 **SEC. 4. SUBSEQUENT EMPLOYMENT AND REPAYMENT OF**
6 **SEPARATION PAYMENT.**

7 (a) DEFENSE AGENCY SEPARATION PAY.—Section
8 5597 of title 5, United States Code, is amended by adding
9 at the end thereof the following new subsection:

10 “(g)(1) An employee who receives separation pay
11 under this section on the basis of a separation occurring
12 on or after the date of enactment of the Federal
13 Workforce Restructuring Act of 1993 and accepts employ-
14 ment with the Government of the United States within
15 2 years of the date of the separation on which payment
16 of the separation pay is based shall be required to repay
17 the entire amount of the separation pay to the defense
18 agency that paid the separation pay.

19 “(2) If the employment is with an Executive agency
20 (as defined under section 105 of title 5, United States
21 Code), the Director of the Office of Personnel Manage-
22 ment may, at the request of the head of the agency, waive
23 the repayment if the employment is in a position for which
24 there is exceptional difficulty in recruiting a qualified em-
25 ployee.

1 “(3) If the employment is with an entity in the legis-
2 lative branch, the head of the entity or the appointing offi-
3 cial may waive the repayment if the employment is in a
4 position for which there is exceptional difficulty in recruit-
5 ing a qualified employee.

6 “(4) If the employment is with the judicial branch,
7 the Director of the Administrative Office of the United
8 States Courts may waive the repayment if the employment
9 is in a position for which there is exceptional difficulty
10 in recruiting a qualified employee.”.

11 (b) CENTRAL INTELLIGENCE AGENCY SEPARATION
12 PAYMENT.—Section 2(b) of the Central Intelligence Agen-
13 cy Voluntary Separation Pay Act (Public Law 103–36;
14 107 Stat. 104) is amended by adding at the end thereof
15 the following: “An employee who receives separation pay
16 under this section on the basis of a separation occurring
17 on or after the date of the enactment of the Federal
18 Workforce Restructuring Act of 1993 and accepts employ-
19 ment with the Government of the United States within
20 2 years of the date of the separation on which payment
21 of the separation pay is based shall be required to repay
22 the entire amount of the separation pay to the Central
23 Intelligence Agency. If the employment is with an Execu-
24 tive agency (as defined under section 105 of title 5, United
25 States Code), the Director of the Office of Personnel Man-

1 agement may, at the request of the head of the agency,
 2 waive the repayment if the employment is in a position
 3 for which there is exceptional difficulty in recruiting a
 4 qualified employee. If the employment is with an entity
 5 in the legislative branch, the head of the entity or the ap-
 6 pointing official may waive the repayment if the employ-
 7 ment is in a position for which there is exceptional dif-
 8 ficulty in recruiting a qualified employee. If the employ-
 9 ment is with the judicial branch, the Director of the Ad-
 10 ministrative Office of the United States Courts may waive
 11 the repayment if the employment is in a position for which
 12 there is exceptional difficulty in recruiting a qualified em-
 13 ployee.”.

14 **SEC. 5. FUNDING OF EARLY RETIREMENTS IN CIVIL SERV-**
 15 **ICE RETIREMENT SYSTEM.**

16 (a) IN GENERAL.—Section 8334 of title 5, United
 17 States Code, is amended by adding at the end thereof the
 18 following new subsection:

19 “(l) In addition to any other payments required by
 20 this subchapter, an agency shall remit to the Office for
 21 deposit in the Treasury of the United States to the credit
 22 of the Fund an amount equal to 9 percent of the final
 23 rate of basic pay of each employee of the agency who re-
 24 tires under section 8336(d).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply with respect to retirements occur-
3 ring on or after the date of the enactment of this Act.

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